

SHRI MUNI LALL: Sir, I move:

"That the Bill be passed."

*The question was put and the motion was adopted.*

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**The Cine-workers Welfare Fund (Amendment) Bill, 2001**

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI MUNI LALL): Sir, I move:

"That the Bill further to amend the Cine-workers Welfare Fund Act, 1981, as passed by the Lok Sabha, be taken into consideration."

As the hon. Members are aware, the Cine-workers Welfare Fund Act, 1981 is a piece of progressive social welfare legislation enacted for the benefit of cine - workers. The Act envisages extension of welfare measures such as health, medical care and educational assistance to cine - workers and their family members. The corpus of the Fund is created out of a Cess levied and collected as a duty of excise on feature films certified by the Central Board of Film Certification, which is credited to the Consolidated Fund of India under Section 5 of the Cine-workers Welfare Cess Act, 1981.

The fund is utilised for financing activities to promote the welfare of workers employed in cine industry. Presently, there are approximately 63,000 cine-workers in the country, out of which only 30,000 workers are getting benefits under the ongoing welfare schemes. The reason is that the wage/remuneration limit prescribed under the Act has become insignificant and a large number of workers remain outside the scope of definition of cine-workers due to increase in their wages/remuneration over a period of time.

The ceiling of Rs.1,600/- p.m., where remuneration is paid by way of monthly wages, or a sum of Rs.8,000/- where such remuneration has been by way of lump sum, is prescribed under sub-section (b) (ii) of Section 2 for making the cine-workers entitled to welfare benefits under the Act.

This ceiling was last revised in 1987 by an amendment of the Act. Since then there has been substantial increase in the wages/remuneration of cine-workers. But since there has also been a commensurate increase in prices, there has been a continuous demand to increase the wage/remuneration limit under the Act so that the cine workers, who are presently outside the definition of cine-workers due to increased wages/remuneration, are also covered under the definition of cine-workers for the purpose of the Act.

In view of the aforesaid facts and in order to bring the bulk of the hitherto uncovered cine-workers under the ambit of the welfare provisions, it is proposed to remove the existing ceiling on wages/remuneration given in Section 2 (b) (ii) of the Cine-workers Welfare Fund Act, 1981, and authorise the Central Government to prescribe the wages/remuneration of cine-workers by issue of notification in the Gazette of India from time to time, by an amendment to Section 2 (b) (ii) of the Cine-Workers Welfare Fund Act, 1981, so that increase in the ceiling of remuneration of cine-workers, in case it is considered necessary and desirable, can be notified from time to time without amending the Act frequently.

By this amendment, more cine-workers would be added thus raising the total number of cine-workers to be covered under the welfare provisions.

With these words, I commend the Bill for the unanimous support of the august House.

*The Question was proposed.*

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Shri Balkavi Bairagi. Not present. Shri Sangh Priya Gautam.

श्री संघ प्रिय गौतम (उत्तरांचल) : उपसभाध्यक्ष जी, मैं इस विधेयक का समर्थन करने के लिए खड़ा हुआ हूँ। पिछले दशक में विश्व के आर्थिक क्षेत्र में जो परिवर्तन हुआ उसका प्रभाव देश पर भी हुआ है। हमारे यहां जितने भी जमे हुए उद्योग थे या ऐसे कारखाने अथवा संस्थान थे जहां पर कामगार बड़ी संख्या में काम करते थे उनमें से बहुतों की छंटनी हुई। बेरोजगारी की एक समस्या हमारे देश में है जिसकी तरफ आए दिन इस सदन में और सदन के बाहर भी आम जनता का ध्यान आकृष्ट किया जाता रहा है। महंगाई का युग है। कामगारों के देय भत्ते और उनकी दैनिक मजदूरी या मासिक तनख्वाह भी इतनी नहीं है कि वे इस खर्च को वहन कर सकें। मैं मंत्री जी को बधाई देता हूँ कि फिल्म उद्योग में कामगारों की अधिक संख्या बढ़े और इस उद्योग

में काम करने के लिए अधिक लोग आकृष्ट हों। लोग आकृष्ट तभी होते हैं जब उनके देय भत्ते या दैनिक मजदूरी या मासिक वेतन बढ़ाए जाते हैं। मैं माननीय मंत्री जी को बधाई देता हूँ कि वे इस दृष्टि से विधेयक को लाए हैं। जैसाकि उन्होंने कहा कि अभी तक 63,000 में से 30,000 कामगार लाभान्वित होते थे लेकिन अब इस विधेयक के पारित होने के बाद सभी कामगार लाभान्वित तो होंगे ही साथ ही साथ और लोग भी आकृष्ट होंगे तथा इन कामगारों के परिवारजन और उनके बच्चे भी शिक्षा प्राप्त कर सकेंगे। उनकी स्वास्थ्य, चिकित्सा वगैरह पर भी ध्यान दिया जा सकेगा। अभी तक जो देय भत्ता - यद्यपि 1981 में जब यह विधेयक पहली बार पारित हुआ था। उस समय मासिक वेतन के रूप में एक हजार रुपया ही तय हुआ था और कुल मिलाकर पांच हजार रुपया तय हुआ था। लेकिन उस समय की सरकार ने 1987 में इसमें संशोधन किया और एक हजार के बजाए सोलह सौ रुपया मासिक तथा पांच हजार के बजाए आठ हजार रुपए मासिक यह पारित किया। लेकिन वह भी जो है वह पर्याप्त नहीं था। इस दृष्टिकोण से सरकार ने यह कदम उठाया कि यह तय भत्ता या मासिक वेतन इस समय की मंहगाई को देखते हुए अपर्याप्त है और इसे बढ़ाया जाना चाहिए। इसमें अभी संदेह की गुंजाइश है जिसकी और मंत्री जी को जरूर ध्यान देना चाहिए। महोदय, जब यह विधेयक पहली बार पारित हुआ तो उसकी धारा 2 की उपधारा 2(ब) में इस को स्पष्ट किया गया था। चाहे वह मासिक वेतन हो और चाहे वह एकमुश्त पांच हजार रुपए की रकम हो, जो संशोधन 1987 में किया गया था उस समय भी रकम स्पष्ट की गई थी। लेकिन इस में कोई रकम स्पष्ट नहीं की गई है। केवल यह केंद्रीय सरकार के ऊपर छोड़ दिया गया है कि केंद्र सरकार जैसा आवश्यक समझे। मेरा कहना है कि 1981 के बाद, 6 वर्षों के बाद, 1987 में जो संशोधन हुआ, उसमें करीब डबोदी धनराशि बढ़ाई गई, इसलिए अब 1987 के बाद, 14 वर्षों बाद जब इस संशोधन को ला रहे हैं, तब से मंहगाई कई गुना हो गई है, इसलिए सरकार जो भत्ता सुनिश्चित करे या मासिक वेतन सुनिश्चित करे तो वह इस अनुपात से कम नहीं होना चाहिए अन्यथा जो सरकार का उद्देश्य है, वह उद्देश्य की पूर्ति नहीं होगी। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ।

SHRI C. O. POULOSE (Kerala): Sir, I welcome the Cine-Workers Welfare Fund (Amendment) Bill, 2001. It is estimated that there are 63,000 workers in this trade. I think the number is much more. The industry is fast expanding. Very few in the industry are better off. A large number of workers are very poor; they have no permanency of employment; they are continuously employed by contractors or sub-contractors. They are paid lower wages. These are the main problems that the cine-workers are facing today. At the same time, there is a widespread belief that the cine industry is a luxurious or a wealthy business. It is true, partially. Some of the big producers, film makers and senior artistes are better off. But a large chunk of this industry's population, that is, workers, technicians, artistes, assistants, attendants and thousands like them that are there, do not have any minimum wage. There is no statutory minimum wage. The wages are fixed by cine-workers federations and the studio owners. In many cases, the wages are below subsistence level. No State Government has properly

implemented the Minimum Wages notification for these people. It has not been implemented properly. There are so many labour Acts applicable to this section, but none of these labour legislations has been implemented properly. The implementation machinery is weak and it is not effective at all. It is true that the State Governments are responsible for the upkeep of this machinery.

But in all the States, the general condition is that the workers are compelled by the contractors and sub-contractors to work for more time than provided by the law. The cinema shooting starts early in the morning, say, by 7 o'clock; sometimes, it goes up to the night. All that time, the workers are fully engaged in their work. For attending the work, they have to come by four or five in the morning. It means, in a day, on an average, they work for 12 to 14 hours. There is no labour machinery to see whether the labour laws regarding working hours are being properly implemented or not. There is no weekly off; there is no bonus; there is no gratuity to these workers. These workers are not covered under the provident fund scheme. So, these are the poor conditions in which these people are working. The film industry is spread over Maharashtra, Tamil Nadu, Andhra Pradesh, West Bengal, Karnataka, Gujarat, Orissa and Kerala. Now, out of 63,000 workers that are listed, hardly 30,000 workers and their dependents are getting the benefits under the existing scheme. According to the amendment, the Government, by notification, can fix the income limits for eligibility for enrolment in the scheme. It is right. It should be enhanced, but there should be a provision for periodical revision of the eligibility criterion; otherwise, it will not be beneficial to the workers. The cost of living is rising day-by-day. I suggest that there should be a machinery for doing periodical revision of this scheme. If they add 33,000 new workers to this scheme, wherefrom will the money come? The income, as estimated, is Rs.50 lakhs. The calculation is that if all these 63,000 workers are enrolled in the scheme, then there would be an expenditure of Rs.45 lakhs, which means, no enhancement in the benefits is visualised. That is the point, Sir, I have already mentioned about the poor conditions in which these workers are living. The Government should increase their educational, hospitalisation and other benefits. The Government should also try to cover a wider section of workers under it. The money should come from the industry itself so that the coverage would be more. Now, the provision is that the collection will be made only from the film producers who produce at least five films. It should be brought down to at least three. Not only that; the film industry is

expanding to other fields also. Films for television are being produced; advertisement films are being produced; other types of films are being produced. The Government should find out whether there is any possibility of covering all these sections. If the coverage is more, the number of workers would also be more. I request the Government to explore the possibility of including all these workers so that they can be given these welfare benefits. Sir, I have already said that as it is a welfare measure, I welcome it. But, it is all the more important that other statutory benefits, including minimum wages and other statutory benefits are provided to these people.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please conclude.

SHRI C.O. POULOSE: Yes; I am concluding. Sir, I have one or two more points. The film industry-owners are raising some objections to the enhancement of contribution from the film industry. That is not correct on their part. At present, all the industries are facing difficulties. The cinema industry is also facing problems, like piracy of films. That is all true. But the industry should find out ways to protect the workmen working in the industry.

Sir, I have one more point. The Management and Employers' Association in India are pleading for withdrawal of the present day labour laws, which, according to them, are harsh.

As I have pointed out, the rules are not being implemented properly. The Government should not only take care of the welfare measures, but should also see beyond that to implement the labour laws. That is my demand. I support the Bill.

Thank you.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Smt. Jayaprada Nahata, not here. Now, Shri Virumbi.

5.00 P.M.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Mr. Vice-Chairman, Sir, at the outset, I support the intention of the Bill brought for our consideration. Sir, in India, many industries have been suffering during the last quinquennium. You may be aware, the cine industry is one among them but, suffering severely, compared to other industries. Sir, this industry is, more or less, on the deathbed. It can't be said that it is not healthy; it is on the deathbed. The reasons may differ from State to State; however, there are some common reasons throughout India. One is the advent of television; secondly, video piracy; thirdly, increasing number of TV channels; fourthly, varying entertainment taxes without considering the situation of the industry. This is the condition of the industry.

This Bill has been brought before us, on the basis of the observations made by the Central Advisory Committee. Today, the law gives protection to only 33,000 workers in the cine industry. If this Bill becomes a law, according to the observations made in this Bill by the Government, it would cover 30,000 workers more, to cover a total of, at least, 63,000 workers.

I feel, just like in the Census, they may have to count the actual number of workers engaged in this industry. Previously, to be able to enrol oneself as a cine worker, there was one precondition. That precondition was, they should have been either employed in or in connection with the production of five feature films. The remuneration entitlement was Rs. 1,600 per month or Rs.8,000, as lump sum money. It is going to be changed now, so as to increase the monthly remuneration to Rs.8,000 from Rs.1,600, and lump sum money from Rs.8,000 to Rs.1 lakh.

Sir, what is the real situation? We shall see. I don't know what is prevailing in Maharashtra or Calcutta. But I know about Tamil Nadu. Four hundred cinema theatres have been closed in the last nine years. Previously, say eight years before the production of films per annum was 185 in Tamil Nadu alone. But, this year, it has come down to only 85.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Can you give me a minute? ...*(interruptions)*... May I have the sense of the House because it is already five? ...*(interruptions)*...

SHRI NILOTPAL BASU (West Bengal) : Let us adjourn today.  
...*(Interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI: We can continue later.  
...*(Interruptions)*...

**श्री संघ प्रिय गीतम :** उपसभाध्यक्ष जी, केवल दो वक्ता रह गए हैं ... (ब्यवधान)...

उपसभाध्यक्ष (श्री अधीक शिरोडकर) : मुझे मालूम है । There are only two speakers who have two minutes each. ...*(Interruptions)*.. We can finish this Bill today itself. ...*(Interruptions)*.. Only two more speakers are left.

SHRI PRANAB MUKHERJEE (West Bengal) : Provided they do not inflict long speeches on us. ...*(Interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI : But we have to speak. ...*(Interruptions)*... As far as our State is concerned, it is an important subject. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR) : The remaining two speakers have also two minutes each. ...*(Interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI: We will continue later. There is no problem. ...*(Interruptions)*... I do not have any objection.

SHRI PRANAB MUKHERJEE: The question is how much time these two speakers would take. That is why I am submitting that if they want to inflict long speeches on us at this late hour, then this can be put off. If they want to make full speeches, then we shall have to defer it. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): There are only two speakers who have two minutes each. ...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: If these two speakers take one hour, then we are not going to sit for one hour. ...*(Interruptions)*...

SHRI NILOTPAL BASU: Sir, the question here is not of the number of speakers, but the length of time they speak. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): That is the Parkinson's Law: How long you take to accommodate the time. ...*(Interruptions)*...

SHRI NILOTPAL BASU: As hon. Virumbi is saying that he has to elaborately deal with the problem, I think, in these circumstances, it is better to defer it. ...*(Interruptions)*.. We have already passed five Bills. ...*(Interruptions)*...

SHRI S.S. CHANDRAN(Tamil Nadu): Sir, I also want to speak on this subject. ...*(Interruptions)*... I am also a cine artiste with 45 years of service. ...*(Interruptions)*... This is my problem also. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Now as it is of your concern, I have also been the honorary legal advisor of the cine artists and the television artistes. ...*(Interruptions)*... So, I am with you. ...*(Interruptions)*... The House is adjourned till 11.00 a.m tomorrow.

The House then adjourned at two minutes past five of the clock till eleven of the clock on Tuesday, the 4<sup>th</sup> December, 2001.